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In re Application of	:	
MUSA	:	
Application No.: 10/549,899	:	
PCT No.: PCT/US2004/001192	:	DECISION
Int. Filing Date: 16 January 2004	:	
Priority Date: None	:	
Attorney's Docket No.: 3070.EEM	:	
For: MALEIMIDE RESIN WITH CYANURATE CORE	:	

This decision is in response to applicant's submission filed on 05 January 2007.

BACKGROUND

On 16 January 2004, applicant filed international application PCT/US2004/001192, which designated the United States and did not claim a priority date. A copy of the international application was communicated to the USPTO from the International Bureau on 25 August 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 17 July 2006 (16 July 2006 being a Sunday).

On 16 September 2005, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 01 December 2006, applicant filed a submission which included a petition under 37 CFR 1.181 and an itemized date-stamped postcard receipt.

On 20 December 2006, a decision was mailed dismissing applicant's petition as moot. The decision also noted that although the postcard receipt listed a "Pub. App.; Declaration & POA; . . . ; IDS; PTO-1449", these items did not appear in the file. Applicant was requested to provide true copies of the documents filed 16 September 2005 along with a statement that the copies are true copies.

On 05 January 2007, applicant filed the instant submission which includes copies of a published application, declaration and POA, an IDS and PTO-1449.

DISCUSSION

Applicant has provided sufficient evidence to establish that on 16 September 2005,

applicant filed a published application, declaration and POA, an IDS and PTO-1449. The proof is in the form of the copy of the receipt for the above-identified application which bears a USPTO date stamp of 16 September 2005 and which itemizes a "Pub. App.; Declaration & POA; . . . ; IDS; PTO-1449" and identifies the above-captioned application number, docket number, and applicant. Further, practitioner states that the copy of the published application, declaration and POA, IDS and PTO-1449 filed 05 January 2007 are true copies of the published application, declaration and POA, IDS and PTO-1449 originally filed 16 September 2005. Therefore, in view of the date-stamped receipt and practitioner's statement, the published application, declaration and POA, IDS and PTO-1449 received on 05 January 2007 may properly be accepted as originally received in the USPTO on 16 September 2005.

The declaration filed 16 September 2005 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.



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